

In re) Fair Hearing No. N-06/08-238
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 Appeal of)

The petitioner appeals the Decision by the Department for Children and Families, Economic Services Division denying her request for an increase in her Food Stamps. The issue is whether the Department has correctly attributed child support income the petitioner is no longer receiving.

1. The petitioner is a recipient of Food Stamps. In April 2008 she reported to the Department that her child support had been "put on hold" by the family court effective May 2008. The Department does not dispute that the petitioner ceased receiving child support as of May 2008.

2. As a result of the loss of child support the petitioner requested that the Department raise her Food Stamps effective May 2008. Citing a policy that delays counting child support as income to a household until two months after the month it is received, the Department informed the petitioner that it would not raise her Food Stamps until July 2008.

3. A hearing in the matter was held on July 16, 2008. At that time the Department represented that the petitioner had begun receiving child support in May 2007, but that her Food Stamps had not been reduced based on this income until July 2007. Thus, the Department maintained, the petitioner has not suffered any loss of Food stamps as a result of the policy of a two-month delay in attributing child support.

4. The petitioner did not challenge the policy itself. Nor did she dispute that she had begun receiving child support in May 2007. However, at her hearing in July 2008 she did not recall if there had been a two month delay in the reduction of her Food Stamps in May and June of 2007. The hearing was continued to allow the Department to submit the records of its Food Stamps calculations and payments to the petitioner during that time.

5. In a submission dated July 17, 2008, the Department provided copies of its Food Stamps budgets for the petitioner from April through July 2007. Those records show that the child support paid to the petitioner in May 2007 was not reflected in a reduction in her Food Stamps until July 2007.

6. In a telephone call on August 11, 2008 the petitioner indicated that she does not dispute the Department's records, and that she is satisfied that she has

not been unfairly denied an increase in her Food Stamps as a result of the Department's policy.

ORDER

The Department's decision is affirmed.

REASONS

Although it is not clear whether the Food Stamp regulations, themselves, dictate a policy of counting child support as income to the household two months after it is actually received, such a provision does appear in the RUFA regulations (W.A.M. § 2420.2[1]), and it is not patently unreasonable for the Department to attempt to administer both programs in a consistent manner. At any rate, the petitioner in this matter has indicated that she is now satisfied that the policy has not worked to her overall detriment, and that she has no dispute with the policy *per se*. Inasmuch as it has not been shown that the policy is inconsistent with any regulation or that it has worked to the petitioner's detriment, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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